



State of Washington  
Application for a Water Right

Please follow the attached instructions to avoid unnecessary delays.

For Ecology Use

Fee Paid 10.00

Date 7/1/98

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name Myer J + Sharyn L. Bornstein Home Tel: (360) 733 - 8925  
Mailing Address P.O. Box 188 Work Tel: (360) 734 - 7990  
City Bellingham State WA Zip + 4 98227 + FAX: (360) 734 - 5732

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION

☒ Same as above

Name \_\_\_\_\_ Home Tel: (\_\_\_\_) \_\_\_\_ - \_\_\_\_  
Mailing Address \_\_\_\_\_ Work Tel: (\_\_\_\_) \_\_\_\_ - \_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip + 4 \_\_\_\_\_ + FAX: (\_\_\_\_) \_\_\_\_ - \_\_\_\_  
Relationship to applicant \_\_\_\_\_

Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 20.02 (☒ gallons per minute or  
☐ cubic feet per second) from a ☒ surface water source or ☐ ground water source (check only one) for the  
purpose(s) of Single Domestic / Irrigation - continuously. ATTACH A "LEGAL"  
DESCRIPTION OF THE PLACE OF USE. (See instructions.) NOTE: A tax parcel number or a plat number is  
not sufficient. See schedule 'c' Attached  
Estimate a maximum annual quantity to be used in acre-feet per year: 12.1

☐ Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be  
needed:  
From \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

RECEIVED

Section 4. WATER SOURCE

If SURFACE WATER	If GROUNDWATER
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: <u>Lake Whatcom</u>	A permit is desired for _____ well(s).
Number of diversions: <u>1</u>	
Source flows into (name of body of water): <u>Whatcom Creek</u>	Size & depth of well(s):

JUL 1 1998  
NWRO-LOP  
DEPT OF ECOLOGY

LOCATION

Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner: 651.9 Ft South and 322.4 Ft West From the NE Corner of Section 25 Township 38 Range 3 East

¼ of	¼ of	Section	Township	Range(E/W)	County	If location of source is platted, complete below:		
						Lot	Block	Subdivision
<u>SE</u>	<u>SW</u>	<u>25</u>	<u>38N</u>	<u>3 E</u>	<u>Whatcom</u>			

For Ecology Use Date Received: 7-1-98 Priority Date: 7-1-98  
SEPA: Exempt/Not Exempt FERC License # \_\_\_\_\_ Dept. Of Health # \_\_\_\_\_  
Date Accepted As Complete 7-10-98 By AB Date Returned \_\_\_\_\_ By \_\_\_\_\_ WRIA: 1



**Section 5. GENERAL WATER SYSTEM INFORMATION**

- A. Name of system, if named: \_\_\_\_\_
- B. Briefly describe your proposed water system. (See instructions.)
- C. Do you already have any water rights or claims associated with this property or system? ☐ YES ☐ NO  
PROVIDE DOCUMENTATION.

NO WR  
checked WRAPS  
7/30/98

**Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION**  
(Completed for all domestic/public supply uses.)

- A. Number of "connections" requested: \_\_\_\_\_ Type of connection \_\_\_\_\_  
(Homes, Apartment, Recreational, etc.)
- B. Are you within the area of an approved water system? ☐ YES ☐ NO  
If yes, explain why you are unable to connect to the system. Note: Regional water systems are identified by your County Health Department.

**Complete C. and D. only if the proposed water system will have fifteen or more connections.**

- C. Do you have a current water system plan approved by the Washington State Department of Health? ☐ YES ☐ NO  
If yes, when was it approved? \_\_\_\_\_ Please attach the current approved version of your plan.
- D. Do you have an approved conservation plan? ☐ YES ☐ NO  
If yes, when was it approved? \_\_\_\_\_ Please attach the current approved version of your plan.

**Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION**  
(Complete for all irrigation and agriculture uses.)

- A. Total number of acres to be irrigated: \_\_\_\_\_
- B. List total number of acres for other specified agricultural uses:
- |           |             |
|-----------|-------------|
| Use _____ | Acres _____ |
| Use _____ | Acres _____ |
| Use _____ | Acres _____ |
- C. Total number of acres to be covered by this application: \_\_\_\_\_
- D. Family Farm Act (Initiative Measure Number 59, November 3, 1977)  
Add up the acreage in which you have a controlling interest, including only:  
‡ Acreage irrigated under water rights acquired after December 8, 1977;  
‡ Acreage proposed to be irrigated under this application;  
‡ Acreage proposed to be irrigated under other pending application(s).
1. Is the combined acreage greater than 2000 acres? ☐ YES ☐ NO
2. Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☐ NO  
If yes, enter permit no: \_\_\_\_\_
- E. Farm uses:  
Stockwater - Total # of animals \_\_\_\_\_ Animal type \_\_\_\_\_ (If dairy cattle, see below)  
Dairy - # Milking \_\_\_\_\_ # Non-milking \_\_\_\_\_



## Section 8. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water?

☐ YES ☐ NO

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

## Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site. From I5 drive East on Lakeway drive, Turn left onto Electric Ave. Electric Ave ends and North Shore Dr. begins at foot of Alabama st intersection. Drive apprx. five miles on North Shore Dr. to Agate Bay Ln. Turn right on Agate Bay Lane. One block on right with address of 3149.

## Section 10. REQUIRED MAP

A. Attach a map of the project. (See instructions.)

## Section 11. PROPERTY OWNERSHIP

A. Does the applicant own the land on which the water will be used? ☒ YES ☐ NO  
If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

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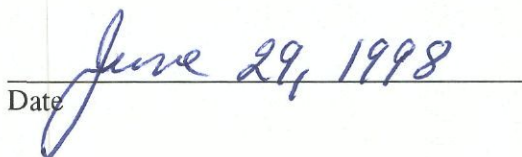
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B. Does the applicant own the land on which the water source is located? ☒ YES ☐ NO  
If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.

  
Applicant (or authorized representative)

  
Date

Landowner for place of use (if same as applicant, write "same")

Date

Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

We are returning your application for the following reason(s):	
_____ Examination fee was not enclosed	APPLICANT PLEASE RETURN TO CASHIER, PO BOX 5128, LACEY, WA 98509-5128
_____ Section number(s) _____ is/are incomplete	APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE
Explanation:	
Please provide the additional information requested above and return your application by _____ _____ (date).	

Ecology staff \_\_\_\_\_ Date \_\_\_\_\_

To receive this document in alternative format, contact Lisa Newman at (360) 407-6604 (Voice) or (360) 407-6006 (TDD).



SCHEDULE C

NO. 21657

THE LAND REFERRED TO IS SITUATED IN THE STATE OF WASHINGTON, COUNTY OF WHATCOM AND IS DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 25, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING 651.9 FEET SOUTH OF THE NORTHEAST CORNER OF GOVERNMENT LOT 1; THENCE SOUTH  $64^{\circ}27'$  WEST 242.04 FEET; THENCE SOUTH  $65^{\circ}15'$  WEST 80.2 FEET; THENCE SOUTH  $34^{\circ}37'$  EAST 75 FEET; THENCE NORTH  $64^{\circ}46'$  EAST 275 FEET; THENCE NORTH 83.1 FEET TO BEGINNING.

EXCEPT AGATE BAY LANE.

TOGETHER WITH THE SECOND CLASS SHORELANDS ABUTTING ON THE ABOVE DESCRIBED TRACT.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

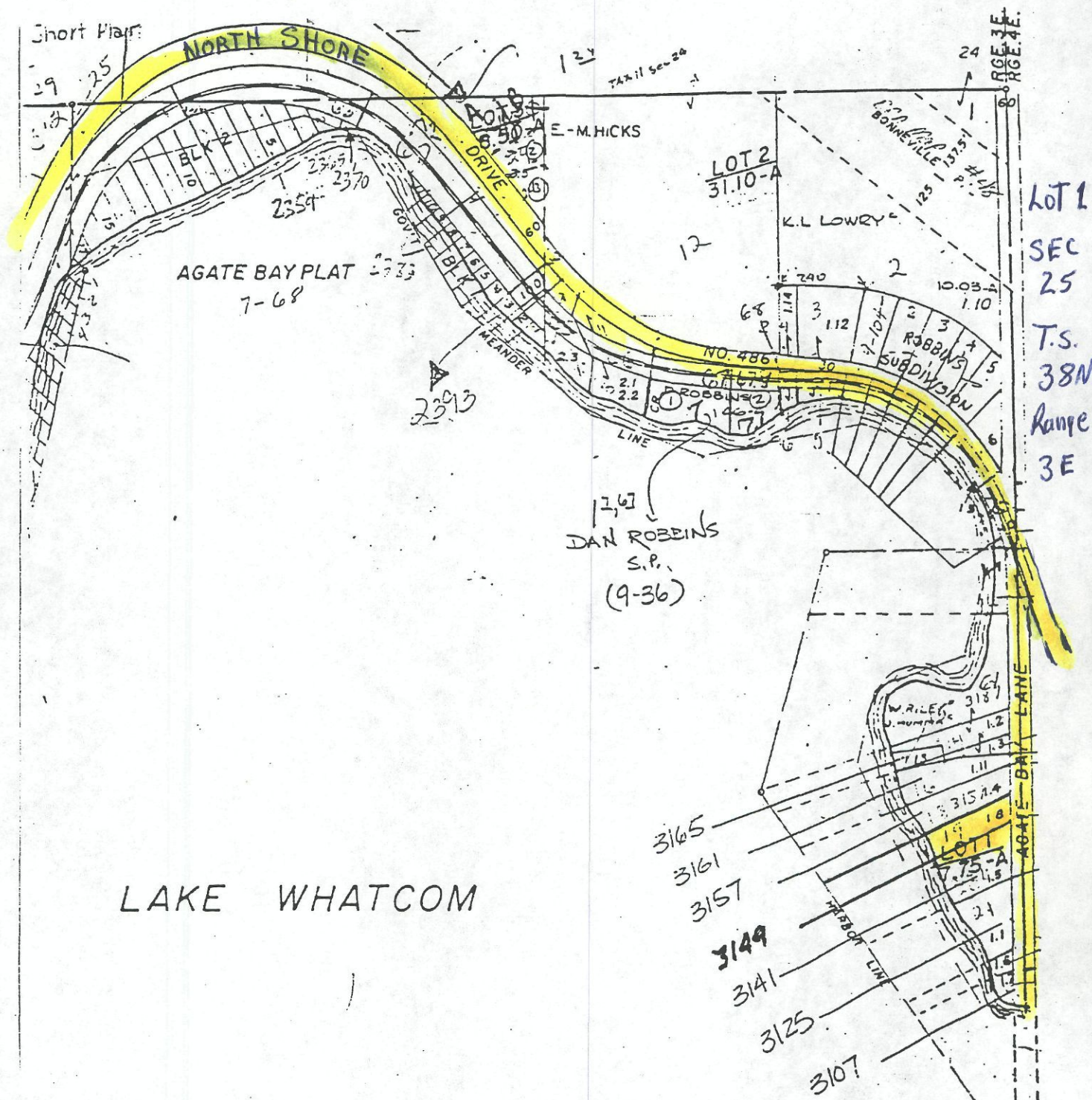




SCALE: \_\_\_\_\_

# SKETCH OF PROPERTY SET OUT IN ATTACHED ORDER

To assist in locating the premises. It is not based on a survey, and the company assumes no liability for variation, if any, in dimensions and locations.



LAKE WHATCOM

NOTE: This map does not purport to show all highways, roads, or easements affecting the property.









Filed for Record at Request of

AFTER RECORDING MAIL TO:

Mr. Charles R. Olson

OLSON & OLSON

519 ENB Building

Bellingham, WA 98225

1586362

THIS SPACE RESERVED FOR RECORDER'S USE

56

1586362

RECORDED

REVENUE STAMPS

FIRST AMERICAN TITLE CO.

OCT 19 11 59 AM '87

VOL 1586362  
REQUEST OF  
JOAN C. N. & D. OLSON  
WHATCOM COUNTY, WASH.  
DEPUTY

32.00

5766v EX 10/19/87 Paid

FORM L-69 (3-84)

### Statutory Warranty Deed

THE GRANTOR DONALD BYRON STEWART as personal representative for the estate of JETTIE B. CRONKHITE for and in consideration of Ten Dollars (\$10.00) and other valuable consideration in hand paid, conveys and warrants to DONALD BYRON STEWART, as his separate property the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Government Lot 1, Section 25, Township 38 North, Range 3 East of W.M., described as follows, to-wit:

Beginning 651.9 Feet South of the Northeast corner of Government Lot 1; thence South 64°27' West 242.04 Feet; thence South 65°15' West 80.2 Feet; thence South 34°37' East 75 Feet; thence North 64°46' East 275 Feet; thence North 83.1 Feet to Beginning.

Except Agate Bay Lane.

Together with the second class shorelands abutting on the above described tract.

Situate in County of Whatcom, State of Washington.

Subject to: easements, restrictions, and reservations of record, if any.

Dated this

16<sup>th</sup>

day of October, 1987.

Donald Byron Stewart (SEAL)  
DONALD BYRON STEWART  
Personal Representative of the Estate (SEAL)  
of Jettie B. Cronkhite, deceased. (SEAL)

STATE OF WASHINGTON

COUNTY OF WHATCOM

On this day personally appeared before me

DONALD BYRON STEWART

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 16 day of October, 1987.

Notary Public in and for the State of Washington,

residing at Bellingham, Bellingham

STATE OF WASHINGTON

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_

and \_\_\_\_\_ to me known to be the \_\_\_\_\_ President and \_\_\_\_\_ Secretary, respectively, of \_\_\_\_\_

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that \_\_\_\_\_ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington,

residing at \_\_\_\_\_ VOL \_\_\_\_\_

OCT 19 1987

SEC 10-23





# First American Title Insurance Company

THIS INSTRUMENT IS FOR RECORDER'S USE  
FIRST AMERICAN TITLE CO.

OCT 19 1987 4:55 PM 787

VOL 37 PAGE 701

RECEIVED AT THE CLERK OF THE SUPERIOR COURT  
JANUARY 13 1988 P. J. BACH, CLERK

Filed for Record at Request of

1586363

Name Myer J and Sharyn L. Bornstein

Address 354 Bayside Road

City and State Bellingham, Wa. 98225

# 216057

## Statutory Warranty Deed

THE GRANTOR DONALD BYRON STEWART, as his separate property  
for and in consideration of Ten Dollars (\$10.00) and other valuable considerations  
in hand paid, conveys and warrants to MYER J. BORNSTEIN and SHARYN L. BORNSTEIN, husband and  
wife  
the following described real estate, situated in the County of Whatcom State of Washington:

A tract of land in Government Lot 1, Section 25, Township 38 North, Range 3 East  
of W.M., described as follows, to-wit:

Beginning 651.9 Feet South of the Northeast corner of Government Lot 1; thence  
South 64°27' West 242.04 Feet; thence South 65°15' West 80.2 Feet; thence South  
34°37' East 75 Feet; thence North 64°46' East 275 Feet; thence North 83.1 Feet to  
Beginning.

Except Agate Bay lane.

Together with the second class shorelands abutting on the above described tract.

Situate in County of Whatcom, State of Washington.

Subject to: easements, restrictions, and reservations of record, if any.

Dated 10-16 1987  
Donald Byron Stewart  
Donald Byron Stewart

STATE OF WASHINGTON  
COUNTY OF Whatcom  
On this day personally appeared before me  
Donald Byron Stewart

to me known to be the individual(s) described in and who  
executed the within and foregoing instrument, and  
acknowledged that he signed the same  
at his free and voluntary act and deed,  
for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this  
day of October 1987  
Notary Public in and for the State of Washington, residing at  
Deming

STATE OF WASHINGTON  
COUNTY OF \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
before me, the undersigned, a Notary Public in and for the State of Washington, duly com-  
missioned and sworn, personally appeared \_\_\_\_\_

and \_\_\_\_\_  
to me known to be the \_\_\_\_\_ President and \_\_\_\_\_ Secretary  
respectively, of  
the corporation that executed the foregoing instrument, and acknowledged the said instru-  
ment to be the free and voluntary act and deed of said corporation, for the uses and purposes  
therein mentioned, and on oath stated that \_\_\_\_\_  
authorized to execute the said instrument and that the seal affixed is the corporate seal of said  
corporation.

Witness my hand and official seal hereto affixed the day and year first above written  
\_\_\_\_\_  
Notary Public in and for the State of Washington, residing at \_\_\_\_\_



BELLINGHAM  
B N B  
NATIONAL BANK  
Member FDIC

THIS SPACE RESERVED FOR RECORDER'S USE

AFTER RECORDING MAIL TO:

BELLINGHAM NATIONAL BANK  
101 EAST HOLLY STREET  
BELLINGHAM

LOAN NO. 5052791  
#4340

WHATCOM COUNTY  
BELLINGHAM, WA  
12/10/91 11:38 AM  
REQUEST OF: /FAT  
Shirley Forslof, AUDITOR  
BY: RO, DEPUTY  
\$7.00 DEED

Quit Claim Deed

THE GRANTOR MYER J. BORNSTEIN AND SHARYN L. BORNSTEIN, HUSBAND AND WIFE

for and in consideration of Love and Affection,

convey and quitclaim to

MYER JAY BORNSTEIN and SHARYN L. BORNSTEIN, HUSBAND AND WIFE

the following described real estate, situated in the County of WHATCOM

State of Washington including any interest therein which grantor may hereafter acquire:

A TRACT OF LAND IN GOVERNMENT LOT 1, SECTION 25, TOWNSHIP 38 NORTH, RANGE 3  
EAST OF W.M., DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING 651.9 FEET SOUTH OF THE NORTHEAST CORNER OF GOVERNMENT LOT 1; THENCE  
SOUTH 64 DEGREES 27 MINUTES WEST 242.04 FEET; THENCE SOUTH 65 DEGREES 15  
MINUTES WEST 80.2 FEET; THENCE SOUTH 34 DEGREES 37 MINUTES EAST 75 FEET;  
THENCE NORTH 64 DEGREES 46 MINUTES EAST 275 FEET; THENCE NORTH 83.1 FEET TO  
BEGINNING.

EXCEPT AGATE BAY LANE.

TOGETHER WITH THE SECOND CLASS SHORELANDS ABUTTING ON THE ABOVE DESCRIBED  
TRACT.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON.

Vol: 225 Page: 756  
File No: 911210056

Dated this 5th day of December 1991

By Myer J. Bornstein By \_\_\_\_\_

By Sharyn L. Bornstein By \_\_\_\_\_

STATE OF WASHINGTON  
COUNTY OF WHATCOM

STATE OF WASHINGTON  
COUNTY OF \_\_\_\_\_

On this date personally appeared before me  
MYER J. BORNSTEIN SHARYN L. BORNSTEIN

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the  
undersigned, a Notary Public in and for the State of Washington, duly  
commissioned and sworn, personally appeared \_\_\_\_\_

to me known to be the individual described in and who executed the within  
and foregoing instrument, and acknowledged that they signed the  
same as \_\_\_\_\_ free and voluntary act and deed, for the uses and  
purposes therein mentioned.

and  
to me known to be the \_\_\_\_\_ President and  
Secretary, respectively, of  
corporation that executed the foregoing instrument, and acknowledged  
the said instrument to be the free and voluntary act and deed of said  
corporation, for the uses and purposes therein mentioned, and on oath  
stated that \_\_\_\_\_ authorized to execute the  
said instrument and that the seal affixed is the corporate seal of said  
corporation.

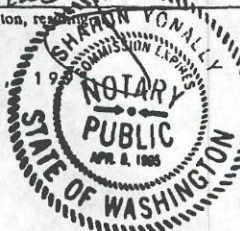
Witness my hand and official seal hereto affixed the day and year  
first above written.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ 1991

Notary Public in and for the State of Washington, residing at \_\_\_\_\_

BELLINGHAM  
My appointment expires on

APRIL 8, 1995



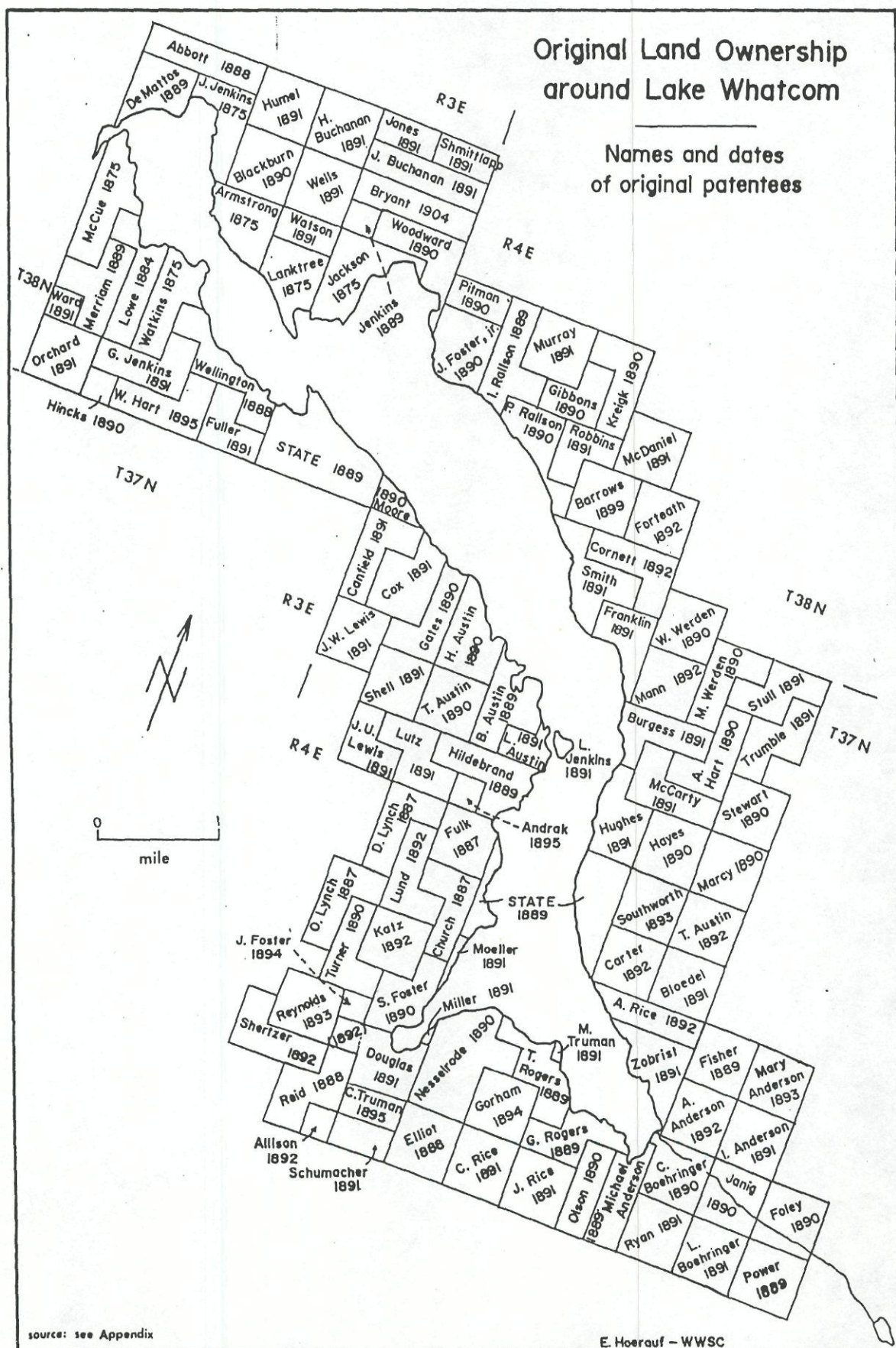
Notary Public in and for the State of Washington, residing at \_\_\_\_\_

My appointment expires on \_\_\_\_\_



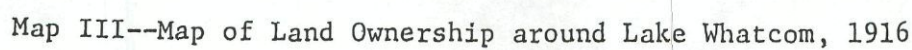




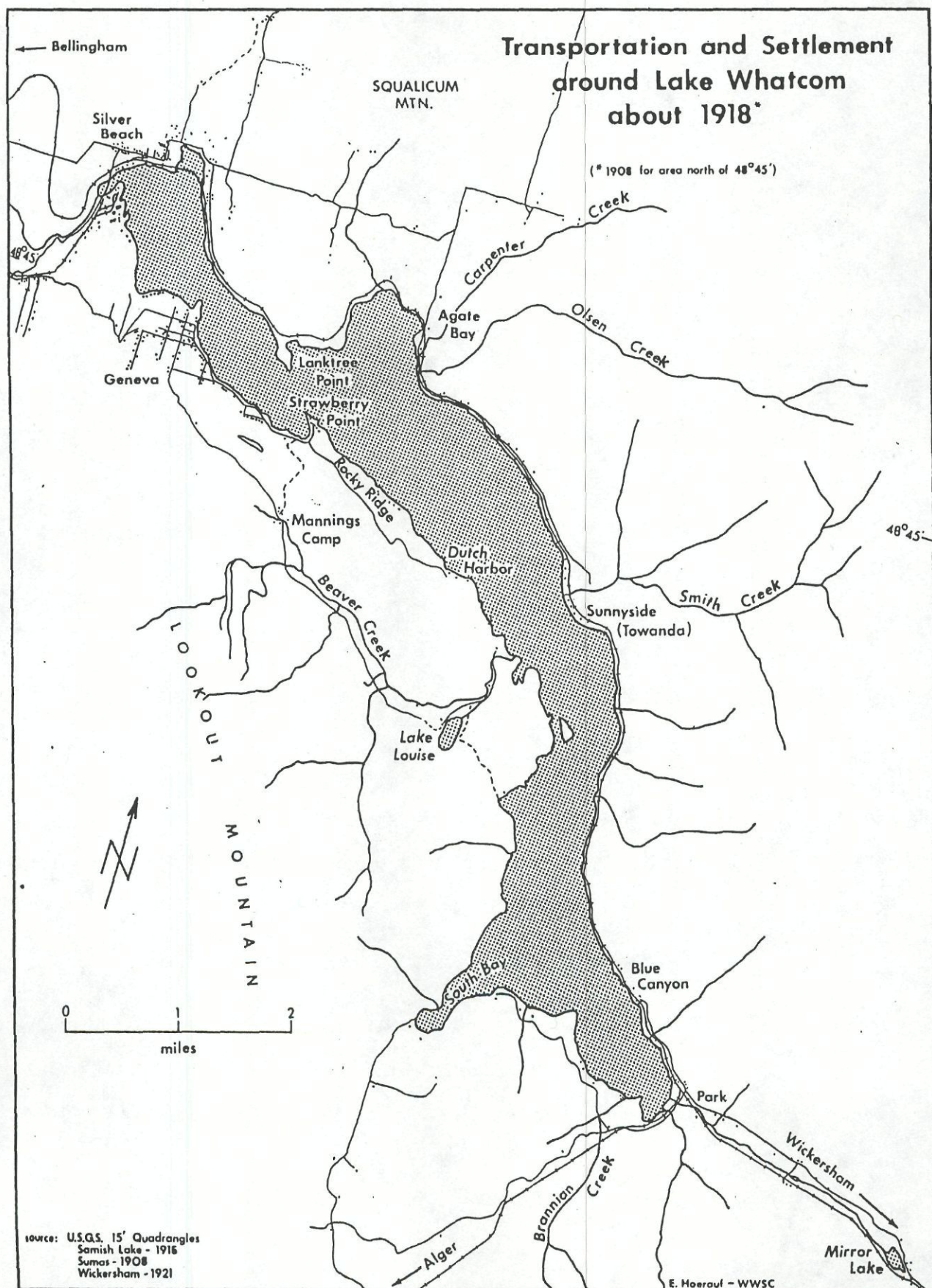


Map II--Map of Original Land Ownership around Lake Whatcom







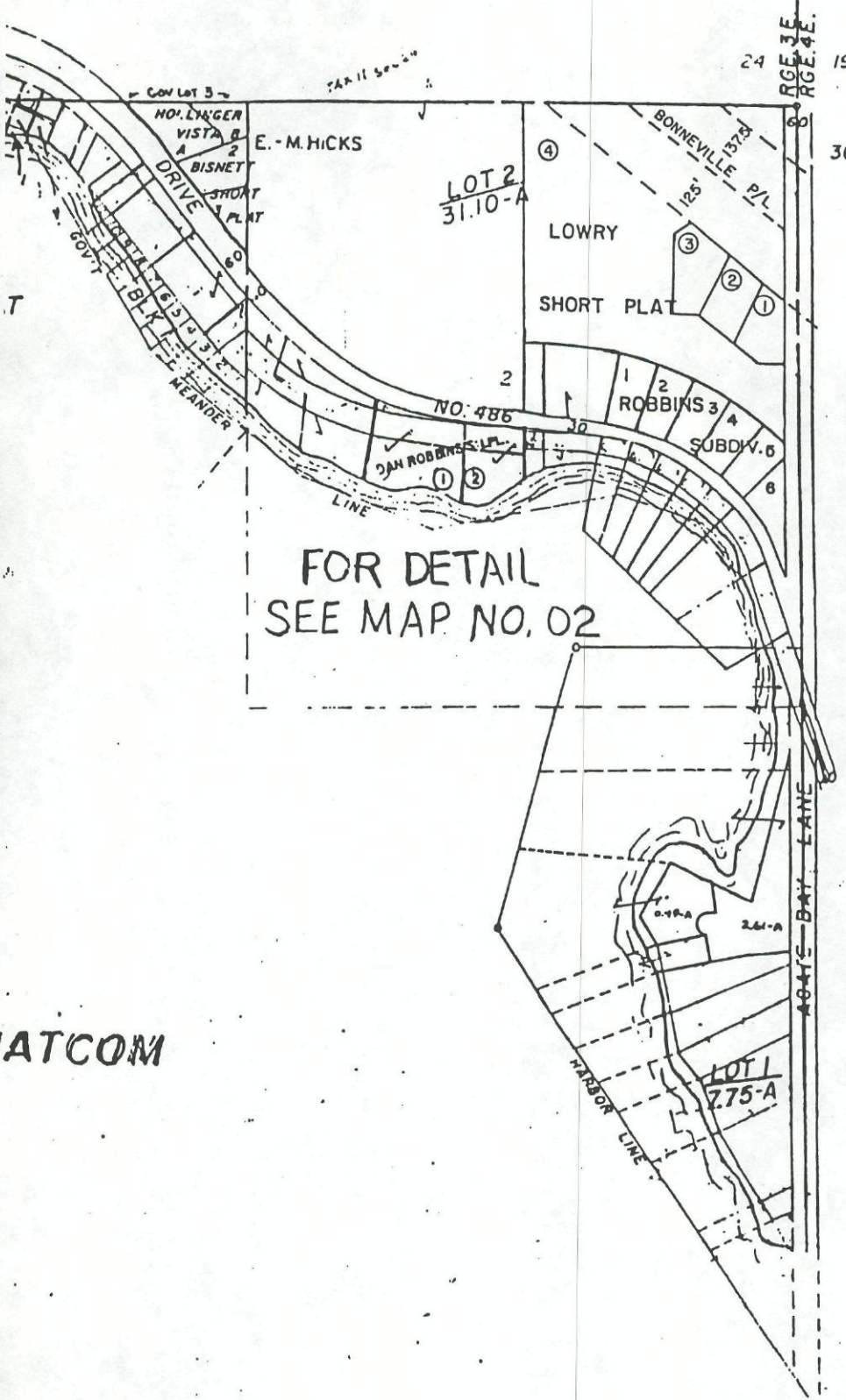


Map IV--Map of Transportation and Settlement around  
Lake Whatcom about 1918



TOWNSHIP 38

RANGE 3 EAST



TOWNSHIP

38

RANGE

3E

SECTION

25

MAP NO.

01

SCALE

1" = 400'

DATE

\_\_\_\_\_

ATCOM



24

